



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 9, 1991

Ms. Hannah Kunkle
District Court Clerk
Collin County
P.O. Box 578
McKinney, Texas 75069

OR91-020

Dear Ms. Kunkle:

You ask whether receipts of passport photo sales by the district clerk's office are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9213.

We have considered the exceptions you claimed, specifically sections 3(a)(1) and 3(a)(3), and have reviewed the documents at issue.

With respect to section 3(a)(3), your only basis for anticipating litigation is a gratuitous statement by the requestor that he wants the information "to provide data to the Anti-Trust Chief of the United States Justice Department." There is no indication that the requestor has any connection with the U.S. Justice Department, or that any litigation is contemplated by that agency.

With respect to section 3(a)(1), you argue that the requested information is made confidential by Title 22 of the Code of Federal Regulations, section 51.33. While section 51.33 makes confidential the applications for passports, including the names of passport applicants, we find no authority for extending this confidentiality to the records of county financial transactions which are not part of the official passport application process. Accordingly, the requested information must be released, however the names of passport applicants must be deleted before copies of the receipts are made available for inspection.

Because the plain language of the relevant statutes and regulations resolves your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-020.

Yours very truly,

A handwritten signature in dark ink, appearing to read "John Steiner", is written over a horizontal line.

John Steiner
Assistant Attorney General
Opinion Committee

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JS/le

Ref.: ID# 9213, 9272, 9688

cc: Don O'Neal
1000 East 14th Street
Plano, Texas 75074